

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
JUDICIAL INDEPENDENCE IN CENTRAL AMERICA

Statement of Eric L. Olson, Director of Policy and Strategic Initiatives
Seattle International Foundation

ANSWER
TO REP. JAMES P. MCGOVERN (MA)
FOR THE RECORD

QFR: Not everyone thinks of human rights and corruption as being linked. For the record, please explain how the two relate to each other, in what sense the fight against corruption is also a fight in favor of human rights, and why an independent judiciary is important for both.

By Eric L. Olson, Director of Policy and Strategic Initiatives, Seattle International foundation.

Human rights are rooted in a series of international treaties, covenants, and legal frameworks. They constitute the foundation of the rule of law.

Transparency International describes corruption as “the abuse of entrusted power for private gain.” By definition, corruption implies a violation of the rule of law and abuse of power. Individual human rights are violated when the authorities do not uphold the rule of law using it, instead, for their own personal gain.

Corruption goes beyond the passing of money to or between authorities in exchange for a favor. Those engaged in corruption, both initiators and recipients, seek to avoid accountability (impunity) for their illegal actions. To ensure their impunity, they seek to influence and control the judicial process to avoid prosecution. They use intimidation and threats, bribes, and violence to manipulate and influence judicial authorities and the justice system. They also use their power to appoint judicial authorities by negotiating their appointments to the bench.

Corrupt authorities also use the legislative process to give their nefarious actions a veneer of legality. For example, corrupt members of the Honduran legislature have adopted laws that both lower their legal exposure for corruption or drastically lower the penalties for corruption including the possibility of simply repaying what was stolen if they are caught.

Finally, in a situation where the judicial authorities – prosecutors, judges, or magistrates – are compromised by corruption, it is far easier for those in power to abuse that power to commit human rights abuses. As the Honduran Police Purge Commission found, many top officers were allegedly involved in assassinations of those who attempted to hold them accountable for involvement in drug trafficking. These senior officers engaged in an extensive cover up scheme for the murders. To this day, Honduran judicial authorities have been unwilling to hold any police leadership accountable for these murders.